

YOUNGER McNAMARA PRISONER FOR LIFE JOHN J. THE ARCH-FIEND, FIFTEEN YEARS

In Passing Sentence Judge Bordwell Gave the Murdering Brothers a Moment of Agony

CHIEF CONSPIRATOR GAVE WAY TO TEARS

His Brother Dazed and Without Comprehension of Existence to Which He Is Doomed

It Was Not His Purpose to Hurt Anyone When He Blew Up Times Building

Officials Say That Cleansing of the World of Labor Has Had Only a Beginning

LOS ANGELES, Dec. 5.—The two brothers, James B. and John J. McNamara, of Cincinnati, one a dynamite thrower and the other a ruddy and countenance, both strong hands of justice they longed to evade. The former was sentenced to imprisonment for life, the latter to fifteen years in the penitentiary.

Younger brother, J. B., for presenting his confession to the court, declared that he intended to kill when he placed sixteen sticks of dynamite in the Times building. John J. McNamara, who was sentenced to fifteen years, declared that he intended to kill when he placed sixteen sticks of dynamite in the Times building.

Received with Tears. This was a sequel of the courtroom scene earlier in the day, when he received his sentence with tears and averted face.

Fearful of a Scene. Court and counsel, fearful of possible lawlessness, held the final session in the courtroom adjoining the jail, and the prisoners were brought there over the interior bridge passage way.

The supreme ordeal was faced by James B., who wondered whether the court would inflict the extreme penalty, and John J., though liable to a less severe penalty, was anxious for his brother's sake. The twenty-four minutes of procedure which decided their fate went slowly. It was quiet almost to the point of monotony.

When They Were Honest. The court asked their occupations. J. B. said he was a printer and John J., a structural iron worker. The prisoners were led quickly back to jail by Sheriff Hammel. Around the table at which counsel were seated, spectators gathered, congratulating the prisoners. Darrow, his face worn and saddened, sat silent throughout the proceedings. At the end he arose and followed the sheriff to the jail, to console the prisoners. The disappointed crowd lingered outside hoping to see the prisoners hustled to the train for San Quentin.

LINCOLN STEFFENS ANARCHIST SAYS JUDGE WALTER BORDWELL

Also a Judicial Statement That the Sensational Muckraker Is a Wierd and Extraordinary Liar

LOS ANGELES, Dec. 6.—Judge Walter Bordwell, before whom the McNamara trial was conducted, and who today sentenced the two dynamite throwers to state's prison, issued a statement to the public to correct some misconceptions due to erroneous publications, and particularly to an article which appeared in the local papers over the signature of Lincoln Steffens and others, that the charge of pleas by the McNamaras from not guilty to guilty was due to his or their efforts, as untrue, and grossly false. About the only true statement in the Steffens article was that which states that the court had no part in any of the negotiation for the termination of the case.

The court declared that the case came to its abrupt end solely because the defense saw the uselessness of going further after it was caught in the act of bribing witnesses and jurors. He declared that the state had a right to have a plea of guilty from J. B. if it would have agreed to let J. J. go free. This it refused to do.

The district attorney, said the court, would not accept any plea of guilty from one, and not from the other, as he held both equally guilty. But when both pleaded guilty, they threw them-

consideration should be extended now because of this fact.

Court's Severe Language. "There is little or no ray of comfort, McNamara," Judge Bordwell spoke, "in the assertion that you did not intend to destroy life. The widows, orphans and bereaved ones look at that statement at this time, as a mockery. The circumstances are against you in making such a statement. A man who would put sixteen sticks of dynamite in a building full of an explosive—I do not refer to an explosive of which you had no knowledge—I really mean combustible material, I say a man who under those circumstances would place dynamite in such a quantity in such a building, in which you, as a printer, knew gas was burning in many places, and in which you knew scores of human beings were working, had no regard whatever for his fellow beings. He must have been a murderer at heart. You well merit the maximum punishment prescribed by law."

The Prisoner Quivered. The prisoner quivered, his head drooped, and he twisted his fingers. That judgment the court will not impose. It will not condemn you to death on the gallows, due to the existence of no extenuating circumstances whatever, but because it appears to the court to be the part of wisdom to do otherwise. It is the judgment that your punishment for the crime of murder in the first degree, to which you have pleaded guilty, shall be your confinement in the state prison at San Quentin for your natural life.

John J. Sentenced. John J. stood up. Frederick said: "No lives were lost in this case. The damage was considerable, but not great," and he cited the custom of leniency when a defendant pleads guilty. The judge said: "My remarks to your brother, in the fact that the court does not give the extreme penalty is in no degree due to a doubt that you merit it, but it is the part of wisdom to do otherwise. You are sentenced to San Quentin for fifteen years."

Better Day for Labor. In his office the district attorney discussed the case. "After nine years time, the sentence, which the credits will make, John J. will be an old man. At any rate he will not find his kind of labor in the world then. There will be a changed labor situation. Some of the statements of the union labor leaders regarding the McNamaras are sincere and some are not. Some who are making the loudest public utterances were implicated in the dynamiting outrage with the men sentenced today. Nothing that John J. knows concerning the case, I do not know. The case is not closed. I believe that never since the civil war, has the United States passed such a crisis as was involved in this tremendous case. I believe the trial

self entirely upon the mercy of the court, with no agreement as to a possible sentence, other than that which usually goes to the defendant who pleads guilty.

The court declares that he was not swayed in the least by anything that Steffens did or wrote, and he characterized Steffens as an admitted anarchist.

Steffens' Statement. Lincoln Steffens made a statement late tonight, declaring that Judge Bordwell was right in saying that he did not bring about a reversal of the pleas of the McNamaras, and wrong when he says, "I claimed credit (or blame) for it."

It would rather go to the penitentiary with the McNamaras than share with the judge and prosecutor the disgraceful scene in court, saying that not mercy but wisdom, and the saving of money, kept them from killing Jim.

And its ultimate results mark the passing of the budget, the walking delegate and the dynamite in the ranks of union labor. If this happens, as I am confident it will, labor will have cleaned itself and untold good will follow."

Ready to Go. At the jail tonight the McNamaras read newspaper accounts of the sentence and John J. said: "We are satisfied and resigned to our fate. We are ready to start to serve the sentences at once. We will be ready to start to San Quentin on fifteen minutes' notice. I wish to express my appreciation of the sheriff's treatment here. I hope to get humane treatment in the penitentiary. Sheriff Hammel received, yesterday, tonight that United States Prosecutor Lawrence will postpone preparations for removing the McNamaras to the state penitentiary. Subpoenas are said to have been drawn requesting the appearance of the prisoners before the federal grand jury."

THE DREADFUL NOOSE. That Would Have Been the Certain End.

LOS ANGELES, Dec. 5.—"Nothing but the gallows at the end," was the outcome predicted tonight by Darrow, had the trial gone to a jury verdict. Here for six months, I have spent many troubled days, said Darrow, and sleepless nights trying to run down every chance I had to do my best for my clients and the cause I served. From the first I never had the slightest chance to win. Those who say it would have been better to go to the end of the trial and suffer complete defeat, would not say so if they knew the facts and the real situation in the country and scores of witnesses ready to identify J. B. were present practically every day and one at least in this building. The overwhelming evidence was insurmountable.

A MOTHER'S GRIEF. CINCINNATI, Dec. 5.—Mrs. Mary McNamara, mother of the McNamara brothers, was taken to her room at the hotel where she was staying, after being conveyed to her at the McNamara home here today. "I can stand anything that may come now," she stated, after the first grief over the news of the plight of her boys had worn off, but she knew that they had been actually sentenced to prison over her. She is now ill.

ONLY THE FIRST CHAPTER. NEW YORK, Dec. 5.—"I am glad to know that the death penalty was not imposed upon the McNamaras, and I take it that the court in pronouncing comparatively lenient sentences, has taken into consideration the fact that the prisoners rendered some service to the state. However,

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CHALLENGE TO MR. CAMERON

Having been advised that Mr. Cameron, in his public speech at Tucson on the evening of December 1, stated that the appointment as cadet to Annapolis was offered to my son and refused, I will say that his statement is untrue. He offered to appoint my son as alternate, and the appointment was declined.

As there exists a question of veracity between Mr. Cameron and myself, I will deposit \$500 with M. J. Cunningham, of Tucson, which shall be paid to the Staters' School or any charity which may be designated by Mr. Cunningham, Mr. W. H. Trophay and Mr. M. E. Cassidy, in case they shall decide I am not telling the truth. There is no other condition attached to this offer.

KEESE M. LING

ARIZONA'S BIG DAY AT THE LAND SHOW DRAWS BIG CROWDS

Exhibits from This State an Eye-Opener to People of East

BOOSTERS ARE THERE

CHICAGO, Ill., Dec. 5.—(Special)—Arizona, Uncle Sam's newest twin, plans to capture Chicago tomorrow at the big land show in the Coliseum here. The exhibits of the southwest state have attracted huge crowds all during the show and Arizona men here boosting for their state have planned to make Arizona's day memorable in the minds of the visitors to the exposition.

An elaborate program of lectures illustrated with stereopticon and moving pictures and supplemented by songs and instrumental music will be given in the big lecture halls of the Union and Southern Pacific companies, which have thrown them open to the southwest boosters for the afternoon.

Among the speakers of the day, will be Gov. Sloan, U. S. Chamber, of Mesa, John Orme, president of the Salt River Valley Water Users' association, B. A. Fowler, president of the National Irrigation congress and Dwight B. Heard of Phoenix. They will tell of the growth of the new state and of its development from a land of cattle ranches into a garden of citrus and other semi-tropical fruits. Arizona has been sent a long stride by the Southern Pacific officials who have been here during the land show.

"We want more settlers down that way," said Chas. S. Fox, passenger and traffic manager of the road today, "and I hope to see them get them in to tell them of the wonders of this state. Few of the thousands that have visited our lecture halls realized that down in Arizona, they are raising fruit of which any state in the country might be proud. The orchards shown in the stereopticon also have surprised the people, a majority of whom have looked upon these birds merely as curiosities, instead of money makers. We expect to induce several thousands of men and women to make their homes in Arizona also as a result of the missionary work done at the land show."

MINISTER TO ARGENTINE. WASHINGTON, Dec. 5.—President Taft sent to the senate the nomination of John W. Garrett, of Maryland, to be minister to Argentina.

CHINESE REBELS GET SECOND WIND

After Late Defeats in Vicinity of Hankow They are Regaining Confidence

BEKING, Dec. 5.—Chinese rebels in the vicinity of Hankow are regaining confidence, according to consular reports, and the leaders are not willing to accept any terms from the government except those providing for a republic. Rebel reinforcements are moving toward Hankow from Wu Chang.

It is believed that a strong movement is on foot to substitute a Chinese republic for the present regime, who, with other Manchurian princes, will retire from Peking. It is unlikely that even this will be satisfactory to a majority of the provinces.

NAMELESS NEGRO

Subject of an Oklahoma Lynching Yesterday

VALLENT, Okla., Dec. 5.—A mob forced an entrance to the jail here, and seized a young negro, who refused to give his name, and hanged him to a tree. The negro was arrested on a charge of having attacked the twelve-year-old daughter of Leo Saunders.

RYES SNEAKS BACK

MEXICO CITY, Dec. 5.—General Bernardino Reyes has returned to Mexico. Just where he was, and where he crossed the boundary, is not known.

STATE OF UNION AS TO TRUSTS

President Taft Transmits the First Section of His Annual Message to the Sixty-Second Congress and Promises More from Time to Time

HE HOLDS THE SHERMAN LAW TO BE EFFECTIVE

WASHINGTON, Dec. 5.—President Taft today sent to the congress his annual message, which deals solely with the trust problem. It follows: To the Senate and House of Representatives: The message is the first of several which I shall send to Congress during the interval between the opening of its regular session and its adjournment for the Christmas holidays. The amount of information to be communicated as to the operations of the government, the number of important subjects calling for comment by the executive, and transmission to congress of exhaustive reports of special commissions, make it impossible to include in one message of a reasonable length a discussion of the topics that ought to be brought to the attention of the national legislature at its first regular session.

The Anti-Trust Law—The Supreme Court Decisions. In May last the supreme court handed down decisions in the suits in equity brought by the United States to enforce the further maintenance of the Standard Oil Trust and of the American Tobacco Trust, and to secure their dissolution. The decisions are epoch-making and serve to advise the business world authoritatively of

however, that the contracts complained of in these cases would not have been deemed reasonable at common law. In subsequent cases the court said that the statute should be given a reasonable construction and refuse to include within its inhibition, certain contractual restraints of trade which it denominated as incidental or as indirect.

These cases of trade restraint were instances which, at common law, would have been called reasonable. In the Standard Oil and Tobacco cases, therefore, the court merely adopted the tests of the common law, and in defining exceptions to the literal application of the statute, only substituted for the test of being incidental or indirect, that of being reasonable, and this, without varying in the slightest the actual scope and effect of the statute. In other words, all the cases under the statute which have now been decided would have been decided the same way if the court had originally accepted in its construction the rule at common law.

It has been said that the court, by introducing into the construction of the statute common-law distinctions, has emasculated it. This is obviously untrue. By its judgment every contract and combination in restraint of

Country Reading the Message this Morning



SOCIALISM SWAMPED IN CITY OF LOS ANGELES

Alexanders' Majority Over Harriman for Mayor Roughly Estimated at \$60,000

LOS ANGELES, Dec. 5.—Socialism clinched with its focus under the Good Government banner ballot today and was beaten. The red emblem that waved over Harriman victoriously at the primary a month ago, sank with him under an avalanche of votes.

The only question remaining a few hours after the election, is as to the size of the majority.

Prohibition, as well as other big issues of the campaign, received scant attention by the vote counters. Tonight, but indications are that it is defeated. It is estimated that 149,880 votes were cast. George Alexander, the victor, carried Harriman's precinct by 157 to 192.

the scope and operation of the anti-trust act of 1890. The decisions do not depart in any substantial way from the previous decisions of the court in construing and applying this important statute. The decisions are epoch-making by further defining the already admitted exceptions to the literal construction of the act. By the decisions, they furnish a useful precedent as to the proper method of dealing with the capital and property of illegal trusts.

These decisions suggest the wisdom of additional or supplemental legislation to make it easier for the entire business community to square with the rule of action and legality thus finally established and to preserve the benefit, freedom and approval of reasonable competition without loss of real efficiency or progress.

Merely in its Form of Expression. The statute in its first section declares to be illegal "every contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce among the several states or with foreign nations," and in the second, declares guilty of a misdemeanor "every person who shall monopolize or attempt to monopolize or combine or conspire with any other person to monopolize any part of the trade or commerce among the several states or with foreign nations."

In two early cases, where the statute was invoked to enforce a transportation rate agreement between interstate railroad companies, it was held that it was defense to show that the agreement was to rates complained of was reasonable at common law, because it was said that the statute was directed against all contracts and combinations in restraint of trade whether reasonable at common law or not. It was plain from the record,

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